

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS

2005 JAN 21 P 1:36
Docket No: 04CV12721RGS

RANDOLPH E. GREEN
Plaintiff

v.

THOMAS J. MAY, PRESIDENT
BOSTON EDISON COMPANY DBA
NSTAR ELECTRIC CORPORATION OF
MASSACHUSETTS

Defendant

DEFENDANTS ANSWER AND COUNTERCLAIM

Now comes the Defendant, Boston Edison Company dba Nstar Electric Corporation of Massachusetts, through counsel, and answers the complaint as follows:

1. Deny.
2. Deny.
3. Deny.
4. Deny.
5. Deny.
6. Deny.
7. Deny.
8. Deny.
9. Deny.
10. Deny.
11. Deny.
12. Deny.

Wherefore, the Defendant demands the Plaintiff's complaint be dismissed, and the Plaintiff be ordered to pay reasonable attorney fees, costs, and any other remedy the Court deems just and proper.

AFFIRMATIVE DEFENSES

1. The court lacks jurisdiction over the subject matter.
2. The court lacks jurisdiction over both parties.

3. Improper venue.
4. Insufficiency of process.
5. Insufficiency of service of process.
6. The Plaintiff failed to state a claim upon which relief can be granted.
7. A current action is pending in the Roxbury District Court between the parties and the subject matter of this action.
8. Abuse of process.
9. Collateral estoppel and res judicata
10. Laches.
11. The Plaintiff has unclean hands.
12. Plaintiff has violated Rule 11.
13. The Plaintiff failed to name the proper party as the Defendant.
14. The Plaintiff should have brought his claims if any in the pending case in Roxbury District Court.

DEFENDANT'S COUNTERCLAIM

Now comes the Defendant Boston Edison Company dba Nstar Electric, Plaintiff in this counterclaim, through counsel and states:

1. Boston Edison Company dba Nstar Electric, is a Massachusetts Corporation with a usual place of business at One Nstar Way, Westwood, Massachusetts.
2. The Defendant, Randolph E. Green, resides at 8 Woodbine Street, Roxbury, Massachusetts.
3. The Plaintiff in the counterclaim has supplied the Defendant in the counterclaim with electricity service on an ongoing basis. The Defendant has not paid for said services.
4. The Plaintiff has made demand for said payments to the Defendant.
5. The Defendant has failed to pay for said services.

Wherefore, the Defendant demands judgment against Plaintiff for the unpaid electricity services, costs, interest, and any other remedy the Court deems just and proper.

Respectfully submitted for Plaintiff in Counterclaim, Boston Edison Company dba Nstar Electric by its' attorney.

1-157-015
Date


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